

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JERRY WAYNE SMITH,

Civil No. 05-1686 (JRT/FLN)

Plaintiff,

v.

ORDER

AMERICAN INVESTORS
NETWORK, JIM SHEAD, ROB
RAYFORD, JR., RICK MCNALLY,
NATIONAL INVESTORS INSTITUTE,
TROY SHAW, ERIN WERLINI,

Defendant.

Jerry Wayne Smith, 915 Eleventh Avenue South, Suite 5, Hopkins, Minnesota 55343, plaintiff *pro-se*.

Carol L. Casey, Lawrence J. Skoglund and Leon R. Erstad, **ERSTAD & RIEMER, PA**, 8009 Thirty Fourth Avenue South, Suite 200, Minneapolis, Minnesota 55425, for defendant American Investors Network, Jim Shead, Rob Rayford, Jr., and Rick McNally.

Kevin D. Swenson, **SUITTER AXLAND, PLLC**, 8 East Broadway, Suite 200, Salt Lake City, Utah 84111, for defendants National Investors Institute, Troy Shaw, and Erin Werlini.

Rachna B. Sullivan, **FREDRIKSON & BYRON, PA**, 200 South Sixth Street, Suite 4000, Minneapolis, Minnesota 55402, for defendants National Investors Institute, Troy Shaw, and Erin Werlini.

Stephen O. Plunkett and Steven P Aggergaard, **RIDER BENNETT LLP**, 33 South Sixth Street, Suite 4900, Minneapolis, Minnesota 55402, for defendants National Investors Institute, Troy Shaw, and Erin Werlini.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by
United States Magistrate Judge Franklin L. Noel dated October 26, 2006, all the files and

records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Defendants American Investors Network, Jim Shead, Rob Rayford, Jr., and Rick McNally's motion for summary judgment and Rule 12 motion to dismiss Axis U.S. Insurance [Docket No. 38] is **GRANTED**. Defendants National Investors Institute, Troy Shaw, and Aaron Werlini's motion for summary judgment [Docket No. 43] is **GRANTED**.

DATED: December 4, 2006
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge